

Remarks

Claims 17-25 have been amended for various grammatical reasons and to place the claims in proper format for the U.S. Patent and Trademark Office. Support for these amendments can be found throughout the specification, including the original claims. Claims 26-28 remain in the application as withdrawn claims. Claims 29-33 have been canceled without prejudice. Claims 1-17 were canceled without prejudice in a previous Amendment.

Claims 34-44 are newly added. Support for newly added claim 34 is found at least at page 3, lines 16-24; page 4, line 27 to page 5, line 4; and page 6, line 24 to page 7, line 10. New claim 35 is supported at least by page 6, line 35 to page 7, line 10. Support for new claim 36 is found at least at page 4, line 28 to page 5, line 4. New claim 37 is supported at least at page 6, lines 4-11. Support for new claim 38 is found at least at page 3, lines 17-24. New claim 39 is supported at least at page 4, line 11 to page 5, line 4 and at page 5, lines 10-12. Support for new claims 40 and 43 is found at least at page 5, lines 20-23. New claim 41 is supported at least at page 3, lines 31-38. Support for new claim 42 is found at least at page 4, line 28 to page 5, line 8 and at page 6, line 35 to page 7, line 10. New claim 44 is supported at least at page 6, lines 4-11. No question of new matter arises and entry of the amendments and new claims is respectfully requested.

Claims 17-25 and 34-44 are before the Examiner for consideration.

Formal Matter

Applicant respectfully submits that there are no fees required for new independent claims 34 and 42 because the total number of independent claims present in the application (*i.e.*, three independent claims) does not exceed the total number of independent claims permitted without incurring additional fees (*i.e.*, three independent claims). Furthermore, because support for newly added claims 34-44 is found throughout the specification, as identified in the opening paragraph of the Remarks, Applicant respectfully submits that these newly added claims do not contain any new matter.

Restriction Requirement/Election of Species

The Examiner has required an election in the above-identified application as follows:

- Group I, claims 17-25, drawn to a deformable mat;
- Group II, claims 26-31, drawn to a process of forming a deformable mat; and
- Group III, claims 32 and 33, drawn to a method of using a deformable mat.

In addition, the Examiner has required an election of species in the above-identified application as follows:

Species II-A, drawn to embodiments where the bonding treatment is stitch bonding;

Species II-B, drawn to embodiments where the bonding treatment is needle punching;

Species II-C, drawn to embodiments where the bonding treatment is exposure to water jets;

Species II-D, drawn to embodiments where the bonding treatment is melting the thermoplastic substance, and

Species II-E, drawn to embodiments where the bonding treatment is the application of a hot-melt adhesive.

In response, Applicant hereby elects Group I, Species II-A, with traverse, and respectfully submit that the claims corresponding to Species II-A constitute claims 17-24 and 34-45.

Applicant respectfully traverses on the grounds that the claims are to a certain extent coextensive, and if not coextensive, interrelated so as to allow examination in a single application. For example, it is submitted that at least the claims of Groups I and II, Species II-A should be drawn to the same group. Group II, Species II-A contains claims directed to a process of forming the mat of the claims of Group I, Species II-A. Therefore, the claims of Groups I and II, Species II-A contain the same subject matter, namely, at least one reinforcing substance and at least one thermoplastic substance, these substances being in a form of at least one continuous yarn and/or chopped yarns-being bonded together. It is respectfully submitted that no matter which of Group I, Species II-A or Group II, Species II-A is elected, the Examiner would have to include in his examination prior art pertaining to both Groups I and II, Species II-A due to their interrelated subject matter.

Additionally, Applicant submits that examination of all of the pending claims would not pose an undue burden on the Examiner. According to section 803 of the Manual of Patent and Examining Procedure, "[i]f the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions." (*See Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 6, August 2007). As discussed above, it is submitted that Groups I and II, Species II-A should be examined

together. Thus, Applicant submits that Groups I and II, Species II-A are interrelated so as to require examination in a single application, and, as such, it would not pose an undue burden on the Examiner to examine at least the claims pertaining to Groups I and II, Species II-A. Furthermore, Group III only contains two claims. Thus, it is respectfully submitted that it would not be an undue burden on the Examiner to treat all the claims on the merits and to examine all of the claims pending in the application.

In view of the above, Applicant submits that the restriction is believed to be improper, and it is respectfully requested that it be withdrawn.

Conclusion

In light of the above, Applicant believes that this application is now in condition for allowance and therefore requests favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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